



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

December 27, 1999

Minutes of the November 10, 1999, meeting of the Commission on Governmental Ethics and Election Practices held in the MLRB Hearing Room, PUC Building, 242 State Street, Augusta, Maine.

Present: Chairman: Peter B. Webster; Members: Hon. Michael Carpenter (by speaker telephone from Houlton, ME); Hon. Virginia Constantine; Linda W. Cronkhite; and Hon. Harriet P. Henry; Director William C. Hain, III; Counsel Phyllis Gardiner; and Commission Assistant Diana True.

Chairman Webster called the meeting to order at 10:05 a.m.

The Commission considered the published agenda items as follows:

Agenda Item #1: Ratification of Minutes: Ms. Constantine moved, Ms. Cronkhite seconded, and the Commission voted unanimously to approve the minutes of the October 13, 1999, meeting, subject to deletion of the word "moved" at the end of line 1, Agenda Item #1, page 3.

Agenda Item #2: Election of Commission Chair: Chairman Webster reviewed the statutory provision regarding term of service of the elected Chair and opened discussion on the subject of electing a Chairperson to serve "for at least a 2-year term" as provided by statute [1 M.R.S.A. § 1002(1)(D)]. Ms. Cronkhite moved and Judge Henry seconded the nomination of Mr. Webster to continue to serve as Chair. After brief discussion, Members voted unanimously and Mr. Webster agreed to continue to serve as Commission Chair.

Agenda Item #3: Review of Report of Outstanding Penalties: Mr. Hain reviewed the status of unpaid penalties and failure to file reports involving candidates, lobbyists, and political action committees as detailed in the table presented for Commission information and consideration. Members inquired about provisions for payment of penalties in installments, alternative collection methods, and the general process for collecting penalties. Counsel Gardiner reviewed the collaborative effort between Commission staff and the Attorney General's Office to collect penalties. Chairman Webster acknowledged the prosecutorial discretion that the Attorney General exercises in determining what and how many resources to assign to collecting penalties involving relatively small amounts of money. Ms. Constantine then moved, Ms. Cronkhite seconded, and Members voted unanimously to direct Commission staff to refer all cases involving non-filers to the Attorney General for appropriate action when the period of final notice to respond has expired for each filer. The Commission also agreed that once a former candidate's failure-to-file case has been referred to the Attorney General's Office, no further filing notices need to be sent by Commission staff to that filer.

Agenda Item #4: Informational Items: The five (5) information items were briefly reviewed by Mr. Hain. None of the items required Commission action.

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Agenda Item #5: Executive Session: At 11:00 a.m., Ms. Constantine moved, Ms. Cronkhite seconded, and Members voted unanimously to go into executive session to receive a briefing by Commission Counsel Gardiner on the status of pending lawsuits involving the Commission as a defendant in each case. At 11:25 a.m., Ms. Cronkhite moved, Ms. Constantine seconded, and Members voted unanimously to go out of executive session and resume the regular order. No action was taken by the Commission in executive session that required ratification in open session.

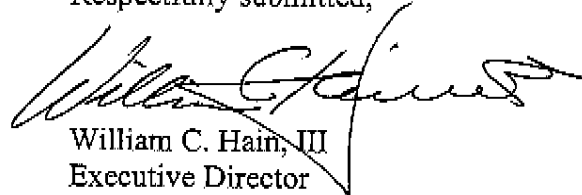
Members discussed the meeting schedule for December and January. December 1, 1999, was set as the December meeting date to avoid conflict with the scheduled Council on Governmental Ethics Laws (COGEL) meeting scheduled for December 5-8, 1999, in Providence, Rhode Island, at which Judge Henry, Mr. Hain, and Ms. Jones would represent the Commission. Ms. Cronkhite advised that she would not be able to attend a December 1 meeting due to a previously scheduled conflict.

Judge Henry proposed that the January 2000 meeting be held on January 5 to enable her to attend in person. Thereafter, until the April meeting, she will attend telephonically from Florida. No objection being heard, the January meeting was scheduled for January 5, 2000. Thereafter, beginning in February, meetings will resume on the regular schedule of the second Wednesday of each month.

Mr. Hain gave a brief report of the status of the electronic filing project and advised that he expects to publish a new Request for Proposals by December and should have a more definitive report for the January meeting pending the results of that solicitation.

On motion and unanimous vote, the Commission adjourned at 11:35 a.m.

Respectfully submitted,



William C. Hain, III
Executive Director